



# SENATE BILL No. 710

June 22, 1993, Introduced by Senators WELBORN, DINGELL  
and GEAKE and referred to the Committee on Family Law,  
Criminal Law, and Corrections.

A bill to create a state and local partnership on corrections program; and to provide for the powers and duties of certain state and local departments, agencies, and officers.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "state and local partnership on corrections act".

3       Sec. 2. As used in this act:

4       (a) "Department" means the department of corrections.

5       (b) "Sentencing guidelines" means the guidelines used for  
6 sentencing purposes that are in effect pursuant to supreme court  
7 order on the date of sentencing, except as that term is otherwise  
8 used in section 10.

9       (c) "State and local partnership on corrections program"  
10 means the program created in section 3.

1       Sec. 3. (1) Beginning October 1, 1993, the state and local  
2 partnership on corrections program is created and shall be  
3 administered by the department.

4       (2) Except as provided in subsections (4) and (5), the state  
5 shall reimburse a county \$5,475.00 for each person who is con-  
6 victed of a felony and is not committed to a state correctional  
7 facility if either of the following circumstances exists:

8       (a) The person's sentencing guidelines score has an upper  
9 limit for the recommended minimum sentence of at least 13 months  
10 but not more than 24 months. For purposes of this subdivision,  
11 both of the following apply:

12       (i) The sentencing guidelines score applicable to the under-  
13 lying felony shall be used in the case of a person to be sen-  
14 tenced as a repeat offender under section 10, 11, or 12 of chap-  
15 ter IX of the code of criminal procedure, Act No. 175 of the  
16 Public Acts of 1927, being sections 769.10, 769.11, and 769.12 of  
17 the Michigan Compiled Laws.

18       (ii) The sentencing guidelines score applicable to the  
19 felony having the longest maximum sentence shall be used in the  
20 case of a person convicted of multiple offenses.

21       (b) The conviction is for the violation or attempted viola-  
22 tion of either of the following:

23       (i) Section 356c of the Michigan penal code, Act No. 328 of  
24 the Public Acts of 1931, being section 750.356c of the Michigan  
25 Compiled Laws, concerning retail fraud in the first degree.

26       (ii) Section 625 of the Michigan vehicle code, Act No. 300  
27 of the Public Acts of 1949, being section 257.625 of the Michigan

1 Compiled Laws, concerning operating a motor vehicle while under  
2 the influence of intoxicating liquor or controlled substance.

3 (3) The department may verify the determination of a sen-  
4 tencing guidelines score for any person whose sentencing guide-  
5 lines score would qualify for reimbursement under this section.

6 (4) A county is not eligible for reimbursement under  
7 subsection (2) for a person convicted of a felony if, when he or  
8 she was charged with the felony, he or she was a prisoner serving  
9 a sentence in a state correctional facility for a previous  
10 felony.

11 (5) A county is not eligible for reimbursement under  
12 subsection (2) if the person for whom the reimbursement would be  
13 made is serving a sentence for which a previous reimbursement was  
14 made under this act.

15 (6) The state shall reimburse a county \$35.00 for each day  
16 of incarceration in a county jail for a person convicted of a  
17 felony and sentenced to a term of imprisonment in a county jail  
18 if that person's sentencing guideline score for the lower limit  
19 of the recommended minimum sentence is 12 months or more and the  
20 upper limit is 25 months or more.

21 Sec. 4. The amounts described in section 3(2) and (6) shall  
22 be adjusted effective October 1 of each year, in the state appro-  
23 priations process, in accordance with the percentage increase or  
24 decrease in the Detroit consumer price index--all items for the  
25 immediately preceding 12 months.

26 Sec. 5. Funds paid to a county under section 3 shall be  
27 used only for criminal justice functions and shall be used by the

1 county to supplement, not supplant, other money appropriated by  
2 the county for criminal justice functions in existence on the  
3 effective date of this act.

4       Sec. 6. (1) For a county that has formed a county or  
5 regional advisory board created pursuant to section 6 of the com-  
6 munity corrections act, Act No. 511 of the Public Acts of 1988,  
7 being section 791.406 of the Michigan Compiled Laws, funds pro-  
8 vided to that county under this act shall be paid to the county  
9 or regional advisory board. The funds paid to a county or  
10 regional advisory board shall be expended by the county or  
11 regional board in accordance with the comprehensive corrections  
12 plan submitted by that board under section 8 of Act No. 511 of  
13 the Public Acts of 1988, being section 791.408 of the Michigan  
14 Compiled Laws.

15       (2) For a county that has not formed a county or regional  
16 advisory board, the funds shall be provided directly to the  
17 county. In a county that has not formed a county or regional  
18 advisory board, and that is part of a judicial circuit having  
19 more than 1 county, the county in which the violation occurred is  
20 the county to which the payment shall be made.

21       Sec. 7. The department shall establish procedures and  
22 schedules for quarterly statements, payments, and billings under  
23 this act.

24       Sec. 8. The provisions of this act authorizing expenditures  
25 of state funds are subject to annual appropriations for that  
26 purpose.

1       Sec. 9. This act applies to persons convicted for crimes  
2 that were committed after the effective date of this act.

3       Sec. 10. Sections 3 to 9 do not apply if either of the fol-  
4       lowing occurs:

5 (a) Sentencing guidelines are enacted into law by the legis-  
6 lature and those sentencing guidelines take effect.

7 (b) The supreme court issues an administrative order sub-  
8 stantially revising the sentencing guidelines that are in effect  
9 on the effective date of this act.

**10**        **Sec. 11.**    This act shall take effect on October 1, 1993.

[illegible]